

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Rec'd PCT/PTO 21 APR 2005
PCT10/532771

To:

Simon Murphy
Private Bag 3140,
Level 12KPMG Centre,
85 Alexandra St 2001 Hamilton NZ

WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year) 01 JUL 2004

Applicant's or agent's file reference
122787/31X286 RTM

REPLY DUE within **TWO MONTHS**
from the above date of mailing

International Application No.
PCT/NZ2003/000236

International Filing Date (day/month/year)
21 October 2003

Priority Date (day/month/year)
21 October 2002

International Patent Classification (IPC) or both national classification and IPC
Int. Cl.⁷ E02D 7/08, E04G 23/08, E01C 23/12, E21B 1/02

Applicant

ROCKTEC LIMITED et al

1. This written opinion is the **first** drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
II ☐ Priority
III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV ☐ Lack of unity of invention
V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
VI ☐ Certain documents cited
VII ☐ Certain defects in the international application
VIII ☒ Certain observations on the international application

3. The **FINAL DATE** by which the international preliminary examination report must be established according to Rule 69.2 is:
21 February 2005

4. The applicant is hereby **invited to reply** to this opinion.

When? See the Reply Due date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the **Final Date** by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. **If no response is filed by 1 month before the Final Date**, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least **3 months before the Final Date** by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaaustralia.gov.au
Facsimile No. (02) 6285 3929

Authorized Officer

LEOPOLD FILIPOVIC
Telephone No. (02) 6283 2105

I. Basis of the opinion

With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of
2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:
☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:
☐ contained in the international application in printed form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. ☐ The amendments have resulted in the cancellation of:
 ☐ the description, pages
 ☐ the claims, Nos.
 ☐ the drawings, sheets/fig.
5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 17-23, 40-46	YES
	Claims 1-16, 24-39, 47 and 48	NO
Inventive step (IS)	Claims	YES
	Claims 1-48	NO
Industrial applicability (IA)	Claims 1-48	YES
	Claims	NO

2. Citations and explanations

The following documents cited in the International Search Report have been considered for the purpose of this opinion:

- a) US 6109365
- b) AU 51868/00
- c) US 2802340
- d) US 5462126
- e) SU 1254116
- f) SU 586240

Claims 1-16, 24-39, 47 and 48

The invention defined in at least claim 1 is not novel when compared with each of the citations (a) - (e). These documents also disclose all the features of the invention defined in claims 1-16, 24-39, 47 and 48. For example, US 6109365 (see figures 1-3 and the description at column 2, line 21 - column 3, line 60) discloses all the features of the invention defined in claims 1-12, 14, 16, 24-35, 37, 39, 47 and 48, while AU 51868/00 (see the friction wheels (9) considered to be a locking device in engagement with the elongate member, the friction wheels being adapted to be controlled by a hydraulic assembly 22) discloses all the features of the invention defined in claims 1-6, 13-16, 24-29, 36-39, 47 and 48.

Therefore the subject matter of claims 1-16, 24-39, 47 and 48 is not new and does not meet the requirements of Article 33(2) PCT with regard to novelty.

Claims 17-23, 40-46

The features added by claims 17-23, 40-46 are known from SU 586240, the combination of SU 586240 with the other documents cited being obvious to the person skilled in the art. Therefore the subject matter of claims 17-23, 40-46 is obvious and does not meet the requirements of Article 33(3) PCT with regard to inventive step.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

In claim 47, "a method of use of a locking device" should perhaps read "a method of securing a shaft at any point...." as defined in claim 1.